

B

**BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Third Amended Accusation
Against:

PAMELA BENYAS, PH.D.
4419 Van Nuys Boulevard, Suite 400
Sherman Oaks, California 91432

Psychologist License No. No. 9445

Respondent.

Case No. W245

OAH No. L-2002110714

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Psychology, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective on December 22, 2004.

It is so ORDERED on November 22, 2004.

by

Jacqueline Horn, Ph.D.
Jacqueline Horn, Ph.D., President
Board of Psychology
Department of Consumer Affairs

1 BILL LOCKYER, Attorney General
of the State of California
2 JOHN E. DeCURE, State Bar No. 150700
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6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF PSYCHOLOGY**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Third Amended Accusation
11 Against:

12 PAMELA BENYAS, PH.D.
13 4419 Van Nuys Boulevard, Suite 400
Sherman Oaks, California 91432

14 Psychologist License No. 9445

15 Respondent.

Case No. W245

OAH No. L-2002110714

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:
19

20 PARTIES

21 1. Thomas S. O'Connor ("Complainant") is the Executive Officer of the
22 Board of Psychology ("Board"), Department of Consumer Affairs. He brought this action solely
23 in his official capacity and is represented in this matter by Bill Lockyer, Attorney General of the
24 State of California, by John E. DeCure, Deputy Attorney General.

25 2. Respondent Pamela Benyas, Ph.D. (Respondent) is represented in this
26 proceeding by attorney Alan I. Kaplan, Esq., whose address is 1925 Century Park East, Suite 500
27 Los Angeles, California 90067-2706.

28 3. On or about July 18, 1986, the Department of Consumer Affairs issued

1 Psychologist License No. 9445 to Pamela Benyas, Ph.D. (Respondent). Psychologist License No.
2 9445 was in full force and effect at all times relevant to the charges brought in Accusation No.
3 W245 and will expire on September 30, 2005, unless renewed.

4 JURISDICTION

5 4. Third Amended Accusation No. W245 was filed before the Board on July
6 29, 2004, and is currently pending against Respondent. The Third Amended Accusation and all
7 other statutorily required documents were properly served on Respondent on July 29, 2004.
8 Respondent timely filed her Notice of Defense contesting the original Accusation preceding the
9 Third Amended Accusation in this matter. A copy of third Amended Accusation No. W245 is
10 attached as exhibit A and incorporated herein by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, fully discussed with counsel, and
13 understands the charges and allegations in Third Amended Accusation No. W245. Respondent
14 has also carefully read, fully discussed with counsel, and understands the effects of this
15 Stipulated Settlement and Disciplinary Order.

16 6. Respondent is fully aware of her legal rights in this matter, including the
17 right to a hearing on the charges and allegations in the Third Amended Accusation; the right to
18 be represented by counsel at her own expense; the right to confront and cross-examine the
19 witnesses against her; the right to present evidence and to testify on her own behalf; the right to
20 the issuance of subpoenas to compel the attendance of witnesses and the production of
21 documents; the right to reconsideration and court review of an adverse decision; and all other
22 rights accorded by the California Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
24 each and every right set forth above.

25 CULPABILITY

26 8. In the interests of justice, Complainant withdraws paragraphs 12 and 13 of
27 Third Amended Accusation No. W245 and any reference thereto, as these charges were not
28 alleged within the statutory time-period allowable under the law.

9. Respondent admits the truth of each and every remaining charge and allegation in the Third Amended Accusation No. W245.

10. Respondent agrees that her Psychologist License No. 9445 is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

RESERVATION

11. The admissions made by Respondent herein are only for the purposes of this proceeding, and any other proceedings in which the Board of Psychology or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CIRCUMSTANCES IN MITIGATION

12. Respondent Pamela Benyas, Ph.D. has been practicing psychology in California since 1986 with no prior disciplinary action. She is admitting full responsibility to the charges in the Third Amended Accusation. She has taken significant steps to address the professional and personal issues raised by the allegations in this matter. These steps include: retaining Robert DeMayo, Ph.D., a clinical psychologist, for peer supervision of her private practice in psychotherapy; receiving individual psychotherapy from Cheri Adrian, Ph.D., a clinical psychologist; and receiving medical treatment for a mood disorder due to multiple sclerosis from Daniel A. Plotkin, M.D. In the interest of resolving this matter, Respondent directed Dr. DeMayo and Dr. Adrian to provide the Board with detailed written professional assessments relevant to the charges, which they did. Both of these assessments noted that frank admissions of responsibility were made by Respondent for the charges alleged. In his written assessment, Dr. DeMayo opined that while Respondent admittedly committed serious errors which formed the basis for the allegations in this matter, the progress she has made with him in improving her practice methods is such that in his opinion, she does not now represent a risk to the public. In her written assessment, Dr. Adrian recommended continued treatment for Respondent and opined that if Respondent continues to receive the medical, therapeutic, and practice-supervisory support she is currently receiving, she will not pose any risk to patients. Dr.

1 Plotkin also provided a written statement furnishing a diagnosis and treatment summary for
2 Respondent's mood disorder due to multiple sclerosis. Dr. Plotkin's report further included a list
3 of current medications he is prescribing for Respondent's condition. His prognosis for
4 Respondent was "excellent."

5 CONTINGENCY

6 13. The parties understand and agree that facsimile copies of this Stipulated
7 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
8 force and effect as the originals.

9 14. In consideration of the foregoing admissions and stipulations, the parties
10 agree that the Board may, without further notice or formal proceeding, issue and enter the
11 following Disciplinary Order:

12 DISCIPLINARY ORDER

13 IT IS HEREBY ORDERED that Psychologist License No. No. 9445 issued to
14 Respondent Pamela Benyas, Ph.D. (Respondent) is revoked. However, the revocation is stayed
15 and Respondent is placed on probation for five (5) years on the following terms and conditions.

16 1. SUSPENSION PENDING PSYCHOLOGICAL EVALUATION

17 DETERMINING FITNESS TO PRACTICE Beginning on the effective date of this decision,
18 Respondent shall be suspended from the practice of psychology and remain suspended until the
19 Board receives results from a psychological evaluation determining that she is mentally fit to
20 practice independently and safely. (Pursuant to standard Board procedure, Respondent shall
21 receive notice of the effective date of the decision approximately thirty (30) days prior to the
22 effective date.) Such determination of fitness to practice shall be made as follows.

23 Within 90 days of the effective date of this Decision and on a periodic basis
24 thereafter as may be required by the Board or its designee, respondent shall undergo a
25 psychological evaluation (and psychological testing, if deemed necessary) by a Board-appointed
26 California-licensed psychologist. (Respondent shall be permitted to provide input to Board staff
27 regarding the evaluator, although the Board shall make the final determination as to who it shall
28 appoint as evaluator.) Respondent shall sign a release which authorizes the evaluator to furnish

1 the Board a current DSM IV diagnosis and a written report regarding the respondent's judgment
2 and/or ability to function independently as a psychologist with safety to the public, and whatever
3 other information the Board deems relevant to the case. Respondent shall also sign releases
4 allowing the Board evaluator to confer with Respondent's current therapist, Dr. Adrian, and
5 Respondent's current practice monitor, Dr. DeMayo. Respondent shall also sign a medical
6 release which authorizes the evaluator to consider Respondent's treatment for mood disorder due
7 to multiple sclerosis. The completed evaluation is the sole property of the Board. The evaluation
8 should not be disclosed to anyone not authorized by the Board or by court order.

9 If the Board concludes from the results of the evaluation that Respondent is not
10 mentally fit to practice independently and safely, Respondent shall continue to be suspended. In
11 this event, Respondent shall not resume practice until a Board-appointed evaluator determines, in
12 a repeat evaluation conducted within a reasonable time-period, that Respondent is mentally fit to
13 practice independently and safely, as evidenced by a written notice to Respondent from the Board
14 or its designee. If Respondent remains suspended following her initial psychological evaluation,
15 probation will be tolled upon the Board's receipt of that evaluation and will not commence again
16 until the suspension is concluded.

17 If ongoing psychotherapy is recommended in the psychological evaluation, the
18 Board will notify Respondent in writing to submit to such therapy and to select a psychotherapist
19 for approval by the Board or its designee within 30 days of such notification. The therapist shall
20 1) be a California-licensed psychologist with a clear and current license; 2) have no previous
21 business, professional, personal or other relationship with Respondent; and 3) not be the same
22 person as respondent's practice monitor. However, the Board may consider approval of Dr.
23 Adrian as Respondent's therapist, if Respondent makes such a proposal. Frequency of
24 psychotherapy shall be determined upon recommendation of the treating psychotherapist with
25 approval by the Board or its designee; however, psychotherapy shall, at a minimum, consist of
26 one one-hour session per week, for a minimum of one (1) year. Respondent shall continue
27 psychotherapy until released by the approved psychologist and approved by the Board or its
28 designee. The Board or its designee may order a re-evaluation upon receipt of the therapist's

1 recommendation.

2 Respondent shall execute a release authorizing the therapist to provide to the
3 Board any information the Board or its designee deems appropriate, including quarterly reports of
4 Respondent's therapeutic progress. Respondent shall furnish a copy of this Decision to the
5 therapist. If the therapist determines that Respondent cannot continue to independently render
6 psychological services with safety to the public, he/she shall notify the Board immediately.

7 Respondent shall pay all costs associated with the psychological evaluation and
8 ongoing psychotherapy. Failure to pay costs will be considered a violation of the probation
9 order.

10 Failure by Respondent to receive a psychological evaluation determining that she
11 is mentally fit to practice independently and safely pursuant to this condition within five (5) years
12 of the effective date of this decision will be considered a violation of the probation order.

13 2. PSYCHOTHERAPY Within 90 days of the effective date of this
14 Decision, a therapist shall be selected by the respondent for approval by the Board. The therapist
15 shall 1) be a California-licensed psychologist with a clear and current license; 2) have no
16 previous business, professional, personal, or other relationship with respondent; and 3) not be the
17 same person as respondent's monitor. However, the Board may consider the approval of Dr.
18 Adrian as Respondent's therapist, if Respondent makes such a proposal. Respondent shall
19 furnish a copy of this Decision to the therapist. Psychotherapy shall, at a minimum, consist of
20 one hour per week over a period of 52 weeks after which it may continue or terminate upon the
21 written recommendation of the therapist with approval by the Board or its designee. (If
22 psychotherapy is required pursuant to Term and Condition No. 1 of this Order, Respondent's
23 compliance with that required psychotherapy shall satisfy the herein condition as well.) The
24 Board or its designee may order a re-evaluation upon receipt of the therapist's recommendation.

25 Respondent shall execute a release authorizing the therapist to provide to the
26 Board or its designee any information the Board deems appropriate, including quarterly reports of
27 respondent's therapeutic progress. It shall be respondent's responsibility to assure that the
28 required quarterly reports are filed by the therapist in a timely manner. If the therapist notifies

1 the Board that the therapist believes the respondent cannot continue to safely render
2 psychological services, respondent shall immediately cease accepting new patients and, in
3 accordance with professional standards, shall appropriately refer/terminate existing patients
4 within 30 days and shall not resume practice until a Board-appointed evaluator determines that
5 respondent is again safe to practice. During this period of non-practice, probation shall be tolled
6 and will not commence again until the period of non-practice is completed.

7 If, prior to the termination of probation, respondent is found not to be mentally fit
8 to resume the practice of psychology without restrictions, the Board shall retain continuing
9 jurisdiction over the respondent's license and the period of probation shall be extended until the
10 Board or its designee determines that the respondent is mentally fit to resume the practice of
11 psychology without restrictions.

12 3. PRACTICE MONITOR Within 90 days of the effective date of this
13 Decision, Respondent shall submit to the Board or its designee for prior approval, the name and
14 qualifications of a psychologist who has agreed to serve as a practice monitor/billing monitor.
15 The monitor shall 1) be a California-licensed psychologist with a clear and current license; 2)
16 have no prior business, professional, personal or other relationship with Respondent; and 3) not
17 be the same person as Respondent's therapist. However, the Board may consider approval of Dr.
18 DeMayo as Respondent's monitor, if Respondent makes such a proposal. The monitor's
19 education and experience shall be in the same field of practice as that of Respondent.

20 Once approved, the monitor shall submit to the Board or its designee a plan by
21 which Respondent's practice shall be monitored. Monitoring shall consist of a least one hour per
22 week of individual face to face meetings and shall continue during the entire probationary period.
23 Respondent shall provide the monitor with a copy of this Decision and access to Respondent's
24 fiscal and/or patient records. Respondent shall obtain any necessary patient releases to enable the
25 monitor to review records and to make direct contact with patients. Respondent shall execute a
26 release authorizing the monitor to divulge any information that the Board may request. It shall be
27 Respondent's responsibility to assure that the monitor submits written reports to the Board or its
28 designee on a quarterly basis verifying that monitoring has taken place and providing an

1 evaluation of Respondent's performance.

2 Respondent shall notify all current and potential patients of any term or condition
3 of probation which will affect their therapy or the confidentiality of their records (such as this
4 condition which requires a practice monitor/billing monitor). Such notifications shall be signed
5 by each patient prior to continuing or commencing treatment.

6 If the monitor quits or is otherwise no longer available, Respondent shall obtain
7 approval from the Board for a new monitor within 30 days. If no new monitor is approved
8 within 30 days, Respondent shall not practice until a new monitor has been approved by the
9 Board or its designee. During this period of non-practice, probation will be tolled and will not
10 commence again until the period of non-practice is completed. Respondent shall pay all costs
11 associated with this monitoring requirement. Failure to pay these costs shall be considered a
12 violation of probation.

13 4. NOTIFICATION TO EMPLOYER Respondent shall provide each of her
14 employers, where Respondent is providing psychological services, a copy of this Decision and
15 the Accusation or Statement of Issues before commencing employment. Notification to
16 Respondent's current employer shall occur no later than the effective date of the Decision.
17 Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of
18 compliance with this term of probation.

19 5. COURSEWORK Respondent shall take and successfully complete not
20 less than 12 hours each year of probation in the following area(s): laws, ethics, and/or
21 boundaries. Coursework must be pre-approved by the Board or its designee. All coursework
22 shall be taken at the graduate level at an accredited educational institution or by an approved
23 continuing education provider. Classroom attendance is specifically required; correspondence or
24 home study coursework shall not count toward meeting this requirement. The coursework must
25 be in addition to any continuing education courses that may be required for license renewal.

26 Within 90 days of the effective date of this Decision, Respondent shall submit to
27 the Board or its designee for its prior approval a plan for meeting the educational requirements.
28 All costs of the coursework shall be paid by the respondent.

1 6. ETHICS COURSE Within 90 days of the effective date of this Decision,
2 Respondent shall submit to the Board or its designee for prior approval a course in laws and
3 ethics as they relate to the practice of psychology. Said course must be successfully completed at
4 an accredited educational institution or through a provider approved by the Board's accreditation
5 agency for continuing education credit. Said course must be taken and completed within one
6 year from the effective date of this Decision. The cost associated with the law and ethics course
7 shall be paid by Respondent.

8 7. INVESTIGATION/ENFORCEMENT COST RECOVERY Respondent
9 shall pay the Board its costs of investigation and enforcement in the amount of \$6,830.35. Such
10 payment for costs of investigation and enforcement shall be due within the first two (2) years of
11 probation. Such costs shall be payable to the Board of Psychology and are to be paid regardless
12 of whether the probation is tolled. Failure to pay such costs shall be considered a violation of
13 probation.

14 The filing of bankruptcy by Respondent shall not relieve Respondent of the
15 responsibility to repay investigation and enforcement costs.

16 8. PROBATION COSTS Respondent shall pay the costs associated with
17 probation monitoring each and every year of probation. Such costs shall be payable to the Board
18 of Psychology at the end of each fiscal year (June 30). Failure to pay such costs shall be
19 considered a violation of probation.

20 The filing of bankruptcy by Respondent shall not relieve Respondent of the
21 responsibility to repay probation monitoring costs.

22 9. OBEY ALL LAWS Respondent shall obey all federal, state, and local
23 laws and all regulations governing the practice of psychology in California including the ethical
24 guidelines of the American Psychological Association. A full and detailed account of any and all
25 violations of law shall be reported by Respondent to the Board or its designee in writing within
26 seventy-two (72) hours of occurrence.

27 10. QUARTERLY REPORTS Respondent shall submit quarterly
28 declarations under penalty of perjury on forms provided by the Board or its designee, stating

1 whether there has been compliance with all the conditions of probation. Quarterly reports
2 attesting to non-practice status are to be submitted if probation is tolled.

3 11. PROBATION COMPLIANCE Respondent shall comply with the Board's
4 probation program and shall, upon reasonable notice, report to the Board of Psychology
5 probation monitor. Respondent shall contact the assigned probation monitor regarding any
6 questions specific to the probation order. Respondent shall not have any unsolicited or
7 unapproved contact with 1) complainants associated with the case; 2) Board members or
8 members of its staff; or 3) persons serving the Board as expert evaluators.

9 12. INTERVIEW WITH BOARD OR ITS DESIGNEE Respondent shall
10 appear in person for interviews with the Board or its designee upon request at various intervals
11 and with reasonable notice.

12 13. CHANGES OF EMPLOYMENT Respondent shall notify the Board in
13 writing, through the assigned probation monitor, of any and all changes of employment, location,
14 and address within 30 days of such change.

15 14. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-
16 STATE NON-PRACTICE In the event Respondent should leave California to reside or to
17 practice outside the State, or for any reason should Respondent stop practicing psychology in
18 California, Respondent shall notify the Board or its designee in writing within ten days of the
19 dates of departure and return or the dates of non-practice within California. Non-practice is
20 defined as any period of time exceeding thirty days in which respondent is not engaging in any
21 activities defined in Sections 2902 and 2903 of the Business and Professions Code. During
22 periods of non-practice, the probationary period is tolled and Respondent's license or registration
23 shall be placed on inactive status. The probationary period will not commence again until
24 Respondent activates his or her license and resumes practicing psychology in the state of
25 California. However, the Board may require Respondent to complete certain terms of probation
26 that are not associated with active practice and Respondent will be required to pay cost recovery
27 and restitution as ordered.

28 15. EMPLOYMENT AND SUPERVISION OF TRAINEES Respondent

1 shall not employ or supervise or apply to employ or supervise psychological assistants, interns or
2 trainees during the course of this probation. Any such supervisorial relationship in existence on
3 the effective date of this probation shall be terminated by Respondent and/or the Board.

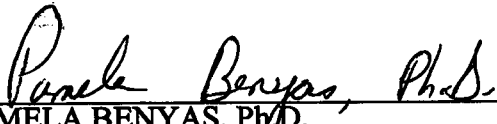
4 16. VIOLATION OF PROBATION If Respondent violates probation in any
5 respect, the Board may, after giving Respondent notice and the opportunity to be heard, revoke
6 probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to
7 Revoke Probation is filed against Respondent during probation, the Board shall have continuing
8 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
9 is final. No Petition for Modification or Termination of Probation shall be considered while
10 there is an Accusation or Petition to Revoke Probation pending against respondent.

11 17. COMPLETION OF PROBATION Upon successful completion of
12 probation, Respondent's license shall be fully restored.

1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and
3 have fully discussed it with my attorney, Alan I. Kaplan, Esq. I understand the stipulation and
4 the effect it will have on my Psychologist License No. 9445. I enter into this Stipulated
5 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
6 bound by the Decision and Order of the Board of Psychology, Department of Consumer Affairs,
7 State of California.

8 DATED: 10-10-04.

9
10 
11 PAMELA BENYAS, Ph.D.
12 Respondent
13
14

15 I have read and fully discussed with Respondent Pamela Benyas, Ph.D. the terms
16 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
17 Order. I approve its form and content.

18 DATED: 10-10-04.

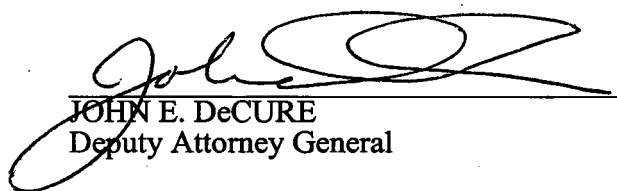
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20 
21 ALAN I. KAPLAN, ESQ.
22 Attorney for Respondent
23
24
25
26
27
28

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Psychology, Department of Consumer Affairs, State of California.

DATED: October 20, 2004.

BILL LOCKYER, Attorney General
of the State of California


JOHN E. DeCURE
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2002AD2084
Benyas.stip.wpd

Exhibit A

Third Amended Accusation No. W245

1 BILL LOCKYER, Attorney General
of the State of California
2 JOHN E. DeCURE, State Bar No. 150700
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-8854
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6 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
BOARD OF PSYCHOLOGY
SACRAMENTO July 29 20 04
BY M. Jacekman ANALYST

7
8 **BEFORE THE**
BOARD OF PSYCHOLOGY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Third Amended Accusation
11 Against:

Case No. W245

12 PAMELA FRAN BENYAS, PH.D.
4419 Van Nuys Boulevard, Suite 400
13 Sherman Oaks, CA 91423

**THIRD AMENDED
ACCUSATION**

14 Psychologist License No. PSY 9445

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Thomas S. O'Connor ("Complainant") brings this Third Amended
20 Accusation solely in his official capacity as the Executive Officer of the Board of Psychology,
21 Department of Consumer Affairs.

22 2. On or about July 18, 1986, the Board of Psychology issued Psychologist
23 License No. PSY 9445 to Pamela Fran Benyas, Ph.D. ("Respondent"). The Psychologist License
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 September 30, 2005, unless renewed.

26 **JURISDICTION**

27 3. This Third Amended Accusation is brought before the Board of
28 Psychology ("Board"), Department of Consumer Affairs under the authority of the below

1 mentioned statutes and regulations.¹

2 4. Section 2960 of the Code states:

3 "The board may refuse to issue any registration or license, or may issue a
4 registration or license with terms and conditions, or may suspend or revoke the
5 registration or license of any registrant or licensee if the applicant, registrant, or licensee
6 has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not
7 be limited to:

8 "(a) Conviction of a crime substantially related to the qualifications, functions or
9 duties of a psychologist or psychological assistant.

10 "

11 "(i) Violating any rule of professional conduct promulgated by the board and set
12 forth in regulations duly adopted under this chapter.

13 "(j) Being grossly negligent in the practice of his or her profession.

14 "(k) Violating any of the provisions of this chapter or regulations duly adopted
15 thereunder.

16 "

17 "(n) The commission of any dishonest, corrupt, or fraudulent act.

18 "

19 "(r) Repeated acts of negligence."

20 5. Section 490 of the Code states:

21 "A board may suspend or revoke a license on the ground that the licensee has
22 been convicted of a crime, if the crime is substantially related to the qualifications,
23 functions, or duties of the business or profession for which the license was issued. A
24 conviction within the meaning of this section means a plea or verdict of guilty or a
25 conviction following a plea of nolo contendere. Any action which a board is permitted to
26

27 1. All statutory references are to the Business and Professions Code ("Code") unless
28 otherwise indicated.

1 take following the establishment of a conviction may be taken when the time for appeal
2 has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order
3 granting probation is made suspending the imposition of sentence, irrespective of a
4 subsequent order under the provisions of Section 1203.4 of the Penal Code."

5 6. California Code of Regulations, title 16, section 1394, states:

6 "For the purposes of denial, suspension, or revocation of a license or registration
7 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall
8 be considered to be substantially related to the qualifications, functions or duties of a
9 person holding a license or registration under the Psychology Licensing Law (Chapter 6.6
10 of Division 2 of the Code), if to a substantial degree it evidences present or potential
11 unfitness of a person holding a license or registration to perform the functions authorized
12 by his or her license or registration or in a manner consistent with the public health,
13 safety, or welfare. Such crimes or acts shall include but not be limited to those involving
14 the following:

15 "(a) Violating or attempting to violate, directly or indirectly, or assisting in or
16 abetting the violation of or conspiring to violate any provision or term of that law.

17 "(b) Conviction of a crime involving fiscal dishonesty."

18 **PENAL CODE STATUTES**

19 7. California Penal Code section 484 provides the definition of theft, and
20 states, in pertinent part, that:

21 "(a) Every person who shall feloniously steal, take, carry, lead or drive away the
22 personal property of another . . . is guilty of theft."

23 8. Penal Code section 487 provides, in pertinent part, that grand theft is
24 committed:

25 "(a) When the money, labor, or real or personal property taken is of a value
26 exceeding four hundred dollars (\$400)"

1 **COST RECOVERY**

2 9. Section 125.3 of the Code states, in pertinent part, that the Board may
3 request the administrative law judge to direct a licensee found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 10. Section 2964.6 of the Code states:

7 "An administrative disciplinary decision that imposes terms of probation may
8 include, among other things, a requirement that the licensee who is being placed on
9 probation pay the monetary costs associated with monitoring the probation."

10 **FIRST CAUSE FOR DISCIPLINE**

11 (Conviction of a Crime)

12 11. Respondent is subject to disciplinary action under Code sections 490 and
13 2960, subdivision (a), and California Code of Regulations, title 16, section 1394 in that she was
14 convicted of two crimes which are substantially related to the qualifications, functions or duties
15 of a psychologist. The circumstances are as follows:

16 12. On or about April 30, 1997, in a criminal proceeding entitled *People of the*
17 *State of California v. Pamela Fran Benyas* in Los Angeles County Superior Court case number
18 SA028464, Respondent was convicted by plea of nolo contendere of grand theft, a misdemeanor,
19 in violation of Penal Code section 487, subdivision (a). The circumstances are as follows:

20 13. Nieman Marcus loss prevention officers recovered ten necklaces, seven
21 pairs of earrings, one key chain, one ring, and one bracelet from Respondent. These items were
22 concealed in Respondent's purse and in a Nieman Marcus shopping bag. Respondent did not pay
23 for these items, and the total value of all the items was \$1,791.00.

24 14. On or about December 20, 1999, in a criminal proceeding entitled *People*
25 *of the State of California v. Pamela Fran Benyas* in Los Angeles County Municipal Court case
26 number 9PN06052, Respondent was convicted by plea of nolo contendere of grand theft, a
27 misdemeanor, in violation of Penal Code section 487, subdivision (a). The circumstances are as
28 follows:

1 15. Bloomingdale's loss prevention officers recovered three rings, four
2 bracelets, three necklaces, one choker, one pendant necklace, and a bottle of men's cologne from
3 Respondent. The items were concealed in a shopping bag. Respondent did not pay for these
4 items, and the total value of the items was \$405.00.

5 **SECOND CAUSE FOR DISCIPLINE**

6 (Gross Negligence)

7 16. Respondent is subject to disciplinary action under section 2960,
8 subdivision (j), of the Code in that her acts and omissions in the care and treatment of a patient
9 constituted gross negligence. The circumstances are as follows:

10 17. On or about November 1, 2000, R.R., then 11 years of age, attended her
11 first therapy session with Respondent for treatment of obsessive compulsive disorder ("OCD").
12 At the conclusion of this first session, R.R.'s parents, E.R. and D.R., and Respondent agreed that
13 the payments would be made at the end of each session.

14 18. At the conclusion of the November 1, 2000, session, Respondent received
15 check number 0257 in the amount of \$150. Check number 0257 was dated November 1, 2000.

16 19. Respondent's progress notes for the November 1, 2000, session were dated
17 November 1, 1999.

18 20. On or about November 8, 2000, R.R. attended her second therapy session
19 with Respondent. At that session, R.R. gave Respondent a picture which she had drawn for her
20 at an earlier time.

21 21. At the conclusion of the November 8, 2000, session, Respondent received
22 check number 0261 in the amount of \$125. Check number 0261 was dated November 8, 2000.

23 22. Respondent's progress notes for the November 8, 2000, session were dated
24 November 8, 1999.

25 23. On or about November 15, 2000, R.R. attended her third therapy session
26 with Respondent. Respondent had a pile of beanie babies inside her office, and Respondent told
27 R.R. that they were for sale. At the conclusion of either this or the previous session, R.R.
28 emerged from Respondent's office with two beanie babies and went to the lobby where E.R.,

1 R.R.'s father, waited for her. E.R. believed that Respondent had incorporated these toys into
2 R.R.'s therapy. Respondent informed E.R. that R.R. liked the beanie babies and that they were
3 priced at \$10 each. Believing the beanie babies were necessary for R.R.'s therapy, E.R. felt
4 obligated to purchase a beanie baby and did so for \$10.

5 24. At the conclusion of the November 15, 2000, session, Respondent was
6 given check number 0264 in the amount of \$125. Check number 0264 was dated November 15,
7 2000.

8 25. Respondent's progress notes for the November 15, 2000, session were
9 dated November 15, 1999.

10 26. On or about November 29, 2000, R.R. attended her fourth therapy session.

11 27. At the conclusion of the November 29, 2000 session, Respondent received
12 check number 0275 in the amount of \$125. Check number 0275 was dated November 29, 2000.

13 28. Respondent's progress notes for the November 29, 2000 session were
14 dated November 29, 1999.

15 29. Also included in Respondent's progress notes for the November 29, 2000
16 session was the following entry: "... Little exchange with dad[.] Told him she seemed to be
17 getting better but sad. Sept. 11? Evasive. Said thank you and fled[.]"

18 30. On or about December 13, 2000, R.R. attended her fifth therapy session.
19 D.R., R.R.'s mother, met with Respondent to discuss R.R.'s progress. When D.R. entered
20 Respondent's office, she noticed that approximately five to ten bracelets and necklaces were
21 spread out on the floor. D.R. did not say anything about the jewelry. Respondent discussed
22 R.R.'s therapy with D.R. and explained her interpretations of R.R.'s drawings. At the conclusion
23 of the consultation, Respondent told D.R. that she made jewelry as a hobby, showed her the
24 jewelry that was located on the floor, and asked her whether she needed to purchase any
25 Christmas presents. D.R. stated that she did not wish to make a purchase.

26 31. After D.R. rejected Respondent's offer to make jewelry, Respondent
27 returned the picture that R.R. had given her at the November 8, 2000, session. The picture was
28 now framed, and Respondent told D.R. that she also made frames as a hobby and was willing to

1 frame pictures for them.

2 32. At the conclusion of the December 13, 2000, session, Respondent received
3 check number 0291 in the amount of \$125. Check number 0291 was dated December 12, 2000.

4 33. Respondent's progress notes for the December 13, 2000, session were
5 dated December 13, 1999.

6 34. After the December 13, 2000, session, E.R. and D.R. decided that R.R.
7 would no longer receive therapy from Respondent.

8 35. On or about January 1, 2001, D.R. advised Respondent that R.R. would
9 not be returning to her office for therapy. Respondent stated that R.R. had missed several
10 appointments and that there was a failure to comply with her cancellation policy. Consequently,
11 E.R. and D.R. agreed to pay for two of the unattended sessions.

12 36. On or about January 2, 2001, D.R. mailed check number 0324 in the
13 amount of \$250 to Respondent. Check number 0324 was dated January 2, 2001.

14 37. Progress notes dated December 6, 20, and 23, 1999, which reflected
15 missed sessions by R.R., were included in R.R.'s records. A progress note reflecting a therapy
16 session with R.R. dated January 3, 2001, was also included in R.R.'s psychological records.
17 However, R.R. did not attend a therapy session with Respondent on January 3, 2001.

18 38. During Respondent's Board interview on May 10, 2002, she explained that
19 the "Sept. 11" reference on the November 29, 2000, progress note was in reference to the
20 September 11, 2001, terrorist attacks.

21 39. Respondent was grossly negligent in her care and treatment of patient R.R.
22 based on the following acts and omissions, both individually and collectively, as follows:

23 A. Respondent's attempts to sell beanie babies, jewelry, and framing
24 services created a harmful dual relationship;

25 B. Respondent failed to accurately document her services to R.R.
26 when she failed to write the correct treatment dates on R.R.'s progress notes, created progress
27 notes for a session which never occurred, and included an inaccurate reference to the September
28 11, 2001, terrorist attacks on the November 29, 2000, progress notes.

1 **THIRD CAUSE FOR DISCIPLINE**

2 (Repeated Acts of Negligence)

3 40. Respondent is subject to disciplinary action under section 2960,
4 subdivision (r), of the Code in that she was repeatedly negligent in her care and treatment of
5 patient R.R. The circumstances are as follows:

6 41. The facts and allegations in paragraphs 17 through 40, inclusive, are
7 incorporated here by reference.

8 42. Respondent was negligent in her care and treatment of patient R.R. based
9 on the following acts and omissions:

10 A. Respondent's repeated attempts to sell beanie babies, jewelry, and
11 framing services created a harmful dual relationship;

12 B. Respondent failed to accurately document her services to R.R.
13 when she failed to write the correct treatment dates on R.R.'s progress notes, created progress
14 notes for a session which never occurred, and included an inaccurate reference to the September
15 11, 2001 terrorist attacks on the November 29, 2000, progress notes.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 (Dishonest or Fraudulent Acts)

18 43. Respondent is subject to disciplinary action under section 2960,
19 subdivision (n) of the Code in that she has engaged in dishonest, corrupt, or fraudulent acts. The
20 circumstances are as follows:

21 44. The facts and allegations in paragraphs 12 through 15 and 17 through 40,
22 inclusive, are incorporated here by reference.

23 45. On or about February 14, 2002, and March 4, 2002, the Board, as part of
24 its investigation of the complaint filed on R.R.'s behalf, requested that Respondent provide
25 R.R.'s psychological records. On or about April 5, 2002, the Board received R.R.'s psychological
26 records from Respondent, which Respondent had certified as a true copy of R.R.'s records.

27 46. Included in the records Respondent provided for R.R. was a detailed
28 Mental Status Evaluation which Respondent signed and dated as occurring on November 1,

1 1999.² However, the form on which Respondent recorded the results of this evaluation was not
2 actually generated until May 24, 2001, many months after R.R.'s actual evaluation occurred.

3 47. On or about January 17, 2003, Respondent provided the Board with a set
4 of psychotherapy notes for R.R. different from the notes she provided on or about April 5, 2002.

5 48. On or about July 21, 2001, Respondent submitted to the Board a License
6 Renewal Application for her psychologist license. The effect of such applications is to renew the
7 psychologist license for a period of two (2) years. As of July 21, 2001, Respondent's
8 Psychologist License No. PSY 9445 status was active, with a pending expiration date of
9 September 30, 2001. Respondent had last sought to renew her psychologist license using a near-
10 identical License Renewal Application on or about September 21, 1999.

11 49. A portion of the License Renewal Application Respondent submitted on or
12 about July 21, 2001 expressly requires that the applicant check "Yes" or "No" as to whether,
13 since the applicant last renewed his or her license, the applicant has been convicted of or pled
14 nolo contendere to any violation of any state law, including misdemeanor and felony penal code
15 convictions. Respondent checked "No" as to whether she had been convicted since her last
16 license renewal, despite the fact that she was convicted of grand theft on or about December 20,
17 1999, as set forth in paragraph 14 above.

18 **FIFTH CAUSE FOR DISCIPLINE**

19 (General Unprofessional Conduct)

20 50. Respondent is subject to disciplinary action under section 2960 of the
21 Code in that she has engaged in unprofessional conduct. The circumstances are as follows:

22 51. The facts and allegations in paragraphs 11 through 49, inclusive, are
23 incorporated here by reference.

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28 2. Respondent's first therapy session with R.R. occurred on November 1, 2000, which
Respondent incorrectly noted as November 1, 1999, in the patient chart.

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Psychology issue a decision:

4 (a) Revoking or suspending Psychologist License No. PSY 9445, issued to
5 Pamela Fran Benyas, Ph.D.;

6 (b) Ordering Pamela Fran Benyas, Ph.D. to pay the Board of Psychology the
7 reasonable costs of the investigation and enforcement of this case, and, if placed on probation,
8 the costs of probation monitoring;

9 (c) Taking such other and further action as deemed necessary and proper.

10 DATED: July 29, 2004.

11
12 

13 THOMAS S. O'CONNOR
14 Executive Officer
15 Board of Psychology
16 Department of Consumer Affairs
17 State of California
18 Complainant
19
20

21 03598160-LA2002AD2084
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DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Third Amended Accusation
Filed Against: Pamela Benyas, Ph.D.

No: W245

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22, Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Pamela Benyas, Ph.D.
4419 Van Nuys Blvd., Ste. 400
Sherman Oaks, CA 91432

7002 0860 0004 1219 6057

Alan I. Kaplan, Esq.
1925 Century Park East, Ste. 500
Los Angeles, CA 90067-2706

John DeCure
Deputy Attorney General
Office of the Attorney General
300 South Spring Street, Ste. 1702
Los Angeles, CA 90013

Each said envelope was then, on November 22, 2004 sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on November 22, 2004 at Sacramento, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Kathi Burns
DECLARANT